

**\*E-FILED on 3/28/12\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
Plaintiff/Respondent,  
v.  
PIUS AILEMEN,  
Defendant/Petitioner.

No. C-04-0823 RMW  
Related to: CR-94-0003

ORDER RE GOVERNMENT'S REQUEST  
TO UNSEAL FOR LIMITED PURPOSE

**[Re Docket No. 71]**

The United States has moved to unseal certain records in the underlying criminal case (94-CR-0003 CRB) for the limited purpose of obtaining copies for the government's files in preparation for the appeal of the denial of Ailemen's motion under § 2255. The government requests that the records be unsealed only for the limited purpose of the allowing the government to obtain a copy of the documents for its files and otherwise the documents should remain sealed.

It is unclear from the docket for the court of appeals whether it has ruled on this motion but it appears that it has not.<sup>1</sup> Assuming the court of appeals has not ruled, this court allows the limited unsealing for the purpose stated. The limited unsealing does not allow either party to use the

<sup>1</sup> It is not entirely clear whether the order dated January 10, 2012 rules on the government's current motion but it appears that it does not.

documents for any purpose other than the appeal. The government, if requested, is to provide Ailemen's counsel with a copy of any document obtained as a result of this order.

DATED: 3/28/12



RONALD M. WHYTE  
United States District Judge

1 Notice of this document has been electronically sent to:

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12 Counsel are responsible for distributing copies of this document to co-counsel that have not  
13 registered for e-filing under the court's CM/ECF program.

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15 **Dated:** 3/28/12 /S/ JG  
16 **Chambers of Judge Whyte**  
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